

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CURTIS JONES,

Petitioner,

v.

THE ATTORNEY GENERAL OF THE
STATE OF NEW JERSEY, *et al.*,

Respondents.

Civil Action No. 20-2945 (MAS)

MEMORANDUM ORDER


This matter comes before the Court on Petitioner's application seeking leave to proceed *in forma pauperis* on appeal. (ECF No. 38.) Pursuant to Federal Rule of Appellate Procedure 24(a)(1), this Court may grant a petitioner *in forma pauperis* status on appeal only where the petitioner shows, in the detail required by Form 4 of the Appendix of Forms, that he is unable to pay or to give security for the fees and costs on appeal, and states the issues that he intends to present on appeal. Under Local Appellate Rule 24.1(c), however, in those cases where 28 U.S.C. § 1915(b) does not apply, such as in the habeas context, those prisoners seeking to appeal *in forma pauperis* must also file "an affidavit of poverty in the form prescribed by the Federal Rules of Appellate Procedure accompanied by a certified statement of the prison account statement(s) (or institutional equivalent) for the 6 month period preceding the filing of the notice of appeal."

In this matter, although Petitioner has submitted a notice of appeal, he has not provided a list of the issues he wishes to raise on appeal. (*See* ECF No. 37.) Likewise, although Petitioner has submitted an affidavit of poverty and a copy of his inmate account statement, his account statement has not been certified by an officer of the prison in which he is currently detained as

required by Local Appellate Rule 24.1(c). As Petitioner has not yet met the requirements of the Appellate and Local Rules, his application must therefore be denied without prejudice.

IT IS THEREFORE on this 14th day of October, 2022, **ORDERED** that:

1. The Clerk of the Court shall re-open this matter for the purposes of this Order only,
2. Petitioner's application seeking leave to proceed *in forma pauperis* on appeal (ECF No. 38) is **DENIED WITHOUT PREJUDICE**,
3. The Clerk of the Court shall provide Petitioner with a blank copy of an Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis¹,
4. Petitioner is given leave to file another application seeking leave to proceed *in forma pauperis* on appeal within thirty (30) days of the date of this Order,
5. If Petitioner wishes to file a new motion seeking leave to proceed *in forma pauperis* on appeal, he must do so by filing a new application accompanied by a statement of the issues he wishes to raise on appeal and certified copy of his six-month inmate account statement, and
6. The Clerk of the Court shall serve a copy of this Order upon Petitioner by regular mail and shall **CLOSE** the file.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

¹ See http://www2.ca3.uscourts.gov/legacyfiles/ifp_affidavit.pdf.